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December 5, 1997

William J. Roberts, Esq.
United States Copyright Office
Office of the General Counsel
Room LM-403
James Madison Memorial Building
101 Independence Avenue
Washington, D.C. 20540

Re: In the Matter of Adjustment of the Rates for
Noncommercial Educational Broadcasting Compulsory
License, Docket No. 96-6 CARP NCBRA

Dear Bill:

On November 25, 1997, ASCAP received Public Broadcasters' Response to Broadcast Music, Inc.'s ("BMI") Motion to Compel Production of Documents from PBS/NPR/CPB (the "Response"). In their Response, Public Broadcasters stated that they are prepared to stipulate that any documents produced in this proceeding by any party will be provided to all other "active litigants" and would welcome entry of an order by the Copyright Office (the "Office") to that effect.

On November 14, 1997, BMI directed a similar motion to ASCAP, requesting that ASCAP be compelled to produce all documents which ASCAP has produced and might produce to Public Broadcasters in the future.¹ ASCAP objected to any order requiring it to produce additional documents to BMI in the future

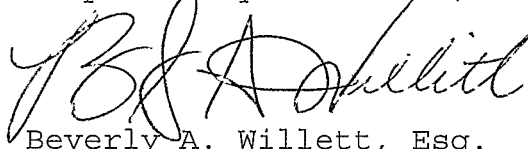
¹Because ASCAP had already produced documents to BMI that it had produced to Public Broadcasters, that portion of BMI's motion was moot.

on several grounds, including the fact that, due to the extra layers of confidentiality between ASCAP and BMI with respect to document productions, ASCAP and BMI had an agreement to treat certain data as extremely confidential and to produce such information on an "outside attorney's eyes only" basis.

By letter dated November 14, 1997, ASCAP advised the Office that, despite the entry of a Protective Order in this proceeding and ASCAP's agreement with BMI regarding additional protections for certain highly confidential data, there had already been two instances, of which ASCAP was aware, where certain counsel had carelessly disseminated information designated by ASCAP as being highly confidential.

For all of these reasons, and in order to avoid further careless disclosures of highly confidential information, ASCAP reiterates its previous objections, including an objection to Public Broadcasters' request that the Office issue an order requiring all parties to exchange documents produced by any other party in this proceeding.

Respectfully submitted,



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cc: Counsel for Public
Broadcasters and BMI

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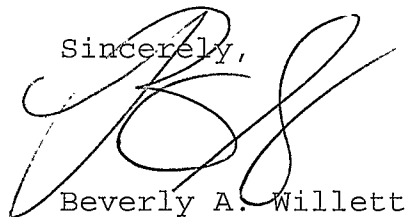
Re: Noncommercial Educational Broadcasting
Rate Adjustment Proceeding

Dear Eric:

Enclosed is the original of my letter dated December 5, 1997 to Bill Roberts at the Copyright Office. I would appreciate your filing the original and five copies with the Office on Monday and sending me a file-stamped copy of the letter. I will take care of serving the other counsel to the proceeding with a copy of my letter.

Thanks.

Sincerely,

A handwritten signature in dark ink, appearing to be 'B. Willett', written over the word 'Sincerely,'.

Beverly A. Willett

cc: Joan McGivern, Esq.
Enc.